

103D CONGRESS
1ST SESSION

S. 415

To require the Attorney General to establish 10 military-style boot camp prisons.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 24 (legislative day, JANUARY 5), 1993

Mr. BOREN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To require the Attorney General to establish 10 military-style boot camp prisons.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Boot Camp Prison Act
5 of 1993”.

6 **SEC. 2. FINDINGS.**

7 The Congress makes the following findings:

8 (1) The Federal prisons are greatly over-
9 crowded. Although the Federal prison system had a
10 maximum capacity of only 50,707 inmates as of

1 December 17, 1992, on that date it housed 72,191
2 inmates.

3 (2) The prisoner populations of both Federal
4 and State prisons have been increasing rapidly and
5 are expected to continue to increase in part because
6 of the effect of the Federal Sentencing Guidelines.
7 In fiscal year 1993, the Federal prison population
8 will be approximately 79,000, growing to about
9 92,000 in fiscal year 1995 and 109,000 in fiscal
10 year 1998.

11 (3) The average cost of constructing a medium
12 security Federal prison is \$53,173 per bed. The av-
13 erage cost of housing a Federal inmate is \$20,072
14 per year. This country needs to find an effective and
15 affordable alternative to our current prison situa-
16 tion.

17 (4) Boot camp prisons are an excellent solution
18 to this problem. Instituted originally in 1984 in the
19 State prison systems of Oklahoma and Georgia, the
20 concept of boot camp prisons has now spread to 25
21 States. Although incarceration in a boot camp costs
22 more per year because of counseling and educational
23 services, an inmate stays for a shorter period of time
24 (between 90 and 120 days), thus reducing total
25 costs and overcrowding. The boot camp prison sys-

1 tem in the New York Department of Correctional
2 Services saved that State's taxpayers an estimated
3 \$150,000,000 as of December 31, 1991.

4 **SEC. 3. BOOT CAMPS.**

5 (a) IN GENERAL.—Not later than 1 year after the
6 date of enactment of this Act, the Attorney General shall
7 establish within the Bureau of Prisons 10 military-style
8 boot camp prisons (referred to in this section as “boot
9 camps”).

10 (b) LOCATIONS.—The boot camps shall be located on
11 closed military installations on sites to be chosen by the
12 Director of the Bureau of Prisons.

13 (c) REGIMEN.—The boot camps shall provide—

14 (1) a highly regimented schedule of strict dis-
15 cipline, physical training, work, drill, and ceremony
16 characteristic of military basic training;

17 (2) remedial education;

18 (3) counseling as appropriate; and

19 (4) treatment for substance abuse.

20 (d) CAPACITY.—Each boot camp shall be designed to
21 accommodate between 200 and 300 inmates for periods
22 of not less than 90 days and not greater than 120 days.
23 Not more than 20 percent of the inmates shall be Federal
24 prisoners. The remaining inmates shall be State prisoners

1 who are accepted for participation in the boot camp pro-
2 gram pursuant to subsection (f).

3 (e) FEDERAL PRISONERS.—Section 3582 of title 18,
4 United States Code, is amended by adding at the end the
5 following new subsection:

6 “(e) BOOT CAMP PRISON AS A SENTENCING ALTER-
7 NATIVE.—(1) The court, in imposing sentence in the cir-
8 cumstances described in paragraph (2), may designate the
9 defendant as eligible for placement in a boot camp prison.
10 The Bureau of Prisons shall determine whether a defend-
11 ant so designated will be assigned to a boot camp prison.

12 “(2) A defendant may be designated as eligible for
13 placement in boot camp prison if—

14 “(A) the defendant—

15 “(i) is under 25 years of age;

16 “(ii) is able-bodied;

17 “(iii) has been convicted of a serious but
18 nonviolent offense;

19 “(iv) has no serious prior conviction for
20 which he or she has served more than 10 days
21 of incarceration; and

22 “(v) consents to the designation; and

23 “(B) the sentencing court finds that the defend-
24 ant’s total offense level under the Federal sentencing
25 guidelines is level 15 or less.

1 “(3) If the Director of the Bureau of Prisons finds
2 that an inmate placed in a boot camp prison pursuant to
3 this subsection has willfully refused to comply with the
4 conditions of confinement in the boot camp, the Director
5 may transfer the inmate to any other correctional facility
6 in the Federal prison system.

7 “(4) Successful completion of assignment to a boot
8 camp shall constitute satisfaction of any period of active
9 incarceration, but shall not affect any aspect of a sentence
10 relating to a fine, restitution, or supervised release.”.

11 (f) STATE PRISONERS.—(1) The head of a State cor-
12 rections department or the head’s designee may apply for
13 boot camp placement for any person who has been con-
14 victed of a criminal offense in that State, or who antici-
15 pates entering a plea of guilty of such offense, but who
16 has not yet been sentenced. Such application shall be made
17 to the Bureau of Prisons and shall be in the form des-
18 ignated by the Director of the Bureau of Prisons and shall
19 contain a statement certified by the head of the State cor-
20 rections department or the head’s designee that at the
21 time of sentencing the applicant is likely to be eligible for
22 assignment to a boot camp pursuant to paragraph (2).
23 The Bureau of Prisons shall respond to such applications
24 within 30 days so that the sentencing court is aware of
25 the result of the application at the time of sentencing. In

1 responding to such applications, the Bureau of Prisons
2 shall determine, on the basis of the availability of space,
3 whether a defendant who becomes eligible for assignment
4 to a boot camp prison at the time of sentencing will be
5 so assigned.

6 (2) A person convicted of a State criminal offense
7 shall be eligible for assignment to a boot camp if he or
8 she—

9 (A) is under 25 years of age;

10 (B) has no prior conviction for which he or she
11 has served more than 10 days incarceration;

12 (C) has been sentenced to a term of imprison-
13 ment that will be satisfied under the law of the sen-
14 tencing State if the defendant successfully completes
15 a term of not less than 90 days nor more than 120
16 days in a boot camp;

17 (D) has been designated by the sentencing
18 court as eligible for assignment to a boot camp; and

19 (E) has consented to the designation.

20 (3) If the Director of the Bureau of Prisons finds
21 that an inmate placed in a boot camp prison pursuant to
22 this subsection has willfully refused to comply with the
23 conditions of confinement in the boot camp, the Director
24 may transfer the inmate back to the jurisdiction of the
25 State sentencing court.

1 (4) A State that refers a prisoner to a boot camp
2 shall reimburse the Bureau of Prisons for the full cost
3 of the incarceration of the prisoner, except that if the pris-
4 oner successfully completes the boot camp program, the
5 Bureau of Prisons shall return to the State 20 percent
6 of the amount paid for that prisoner. The total amount
7 returned to each State under this paragraph in each fiscal
8 year shall be used by that State to provide the aftercare
9 supervision and services required by paragraph (e).

10 (g) POST-RELEASE SUPERVISION.—(1) Any State
11 seeking to refer a State prisoner to a boot camp prison
12 shall submit to the Director of the Bureau of Prisons an
13 aftercare plan setting forth the provisions that the State
14 will make for the continued supervision of the prisoner fol-
15 lowing release. The aftercare plan shall also contain provi-
16 sions for educational and vocational training and drug or
17 other counseling and treatment where appropriate.

18 (2) The Bureau of Prisons shall develop an aftercare
19 plan setting forth the provisions that will be made for the
20 continued supervision of Federal prisoners following re-
21 lease. The aftercare plan shall also contain provisions for
22 educational and vocational training and drug or other
23 counseling and treatment where appropriate.

24 (h) EVALUATION AND REPORT.—(1) Not later than
25 7 years and 6 months after the date of enactment of this

1 Act, the Attorney General shall evaluate the boot camp
2 prisons and report to Congress on the performance of the
3 boot camp prisons.

4 (2) The report under paragraph (1) shall include an
5 assessment of—

6 (A) the rate of recidivism of boot camp pris-
7 oners as compared with similar defendants in con-
8 ventional prisons;

9 (B) the cost-effectiveness of boot camp prisons
10 as compared to conventional prisons; and

11 (C) the program's effect on the overcrowding of
12 conventional prisons.

13 (i) TERMINATION.—The boot camp prison program
14 shall be terminated on the date that is 8 years after the
15 date of establishment of the first boot camp.

16 (j) AUTHORIZATION OF APPROPRIATIONS.—In addi-
17 tion to any other amounts authorized to be appropriated
18 to the Bureau of Prisons, there are authorized to be ap-
19 propriated \$150,000,000 for fiscal year 1994, to remain
20 available until expended, of which—

21 (1) not more than \$12,500,000 shall be used to
22 convert each closed military base to a boot camp
23 prison; and

24 (2) not more than \$2,500,000 shall be used to
25 operate each boot camp for 1 fiscal year.

